

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 96-3570

Ivan M.C. Chen,

Plaintiff - Appellant,

v.

School District of Kansas City,
Missouri,

Defendant - Appellee.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: April 16, 1997

Filed: July 21, 1997

Before LOKEN, MAGILL, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

After the Kansas City School District refused to renew his probationary contract as a teacher at Van Horn High School, Ivan Chen commenced this multi-count action claiming race and gender discrimination. The School District moved for summary judgment, submitting evidence that after Chen had received persistently bad performance evaluations, the School District accepted the evaluator's recommendation that his contract not be renewed. In response, Chen submitted an affidavit claiming that his poor evaluations resulted from the female evaluator's bias against males and Chen's

foreign accent, and submitting a statistical analysis tending to show that this evaluator consistently gave lower evaluations to male and foreign-born teachers.

The district court¹ granted summary judgment for the School District dismissing all of Chen's claims. With regard to the Title VII claim, the court concluded that Chen's poor performance evaluations and failure to correct noted deficiencies were a legitimate business reason for the decision not to renew his contract, and that Chen's circumstantial evidence is insufficient to create an inference of pretext for race or gender discrimination. Chen appeals only the dismissal of his Title VII claim. After thorough review of the record, we conclude that summary judgment was properly granted dismissing this claim for the reasons stated by the district court. Accordingly, we affirm. See 8th Cir. Rule 47B.

A true copy.

Attest:

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The HONORABLE FERNANDO J. GAITAN, JR., United States District Judge for the Western District of Missouri.